

1. The powered stalk rolls and gathering chains, which are referred to within the claims as the "first conveyor";
2. The powered cross auger, which is referred to within the claims as the "second conveyor"; and,
3. The powered paddles contained within the feederhouse, which is referred to within the claims as the "third conveyor".

It is Applicant's position that the language of claims 29-37 is fully supported and therefore allowable as supported by the patent application originally filed both as a whole and in sufficient specificity to enable one practiced in the arts. This position is supported by the following paragraphs and figures from the original application:

- a) "Upon engagement of the combine head with the combine harvester, the auger trough outlet and the combine feeder house provide an area of engagement that is a continuous channel or space for the flow of harvested material between the corn head and to the combine during operation of the combine harvester."
- b) "The purpose and intent of the invention as disclosed as a whole is to decrease dead space, reduce the angle of incline between the conveyors and increase corn head performance."
- c) "FIG. 4a shows the invention with lowering only to the aft portion of auger trough 200 in front of feeder house 340."
- d) FIG. 4a

The Examiner has previously rejected Applicant's claims under 35 U.S.C. 102 as being anticipated by the cited prior art "Rayfield." To maintain a rejection based on 35 U.S.C. 102, the prior art must teach each and every element of applicant's

invention. Rayfield does not teach a "flat auger trough" but instead teaches an attachment that is transverse to the flow of the harvested material for impeding and re-orientating harvested material.

The Rayfield patent solves a very specific problem common with twin rotor combines. During operation in uneven terrain, the corn ears commonly tumble from the high side of the combine to the low side. The low side rotor would then be overloaded and the high side rotor would be under-utilized or empty. The structure taught by Rayfield segregates or divides the flow of corn ears and redirects the flow of corn ears from traveling along the axis of the transverse auger axis to flowing into the feeder house opening. Thus, Rayfield teaches a divider 40 for placement between the 2nd and 3rd conveyors in combination with auger trough 10 to inhibit flow of harvest material. Rayfield does not teach a flat auger trough 10 but instead a divider 40. Amended claims 29-37 are patentable under 35 U.S.C. 102 over Rayfield.

CONCLUSION

Applicant respectfully requests the present patent application be allowed.

Respectfully submitted,

MARION CALMER,

By _____

Jay R. Hamilton
Reg. No. 50,644

Date: September 14, 2005

Law Office of Jay R. Hamilton, PLC
U.S. Patent Attorney
331 W. 3rd St. NewVentures Center Suite 100
Davenport, IA 52801
Tel (563) 441-0207
Fax (563) 823-4637